

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

)  
B.S., by and through his Parents and ) Civil File No. 13-3220 (ADM/JJK)  
Natural Guardians, K.S. and M.S., )  
   )  
Plaintiffs,                                 )  
   )  
v.   )  
   )  
ANOKA HENNEPIN PUBLIC SCHOOLS,         )  
ISD No. 11, TOM HEIDEMANN, Chair of     )  
Anoka Hennepin Board of Education,         )  
MINNESOTA DEPARTMENT OF                 )  
EDUCATION, BRENDA CASSELLIUS,          )  
Commissioner, in her individual and     )  
representative capacity, OFFICE OF         )  
ADMINISTRATIVE HEARINGS,                 )  
TAMMY PUST, Chief Administrative Law     )  
Judge in her individual and                 )  
representative capacity,                     )  
   )  
Defendants.                                 )  
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**PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT**

**JURY TRIAL REQUESTED**

Now comes the Plaintiffs, by and through undersigned counsel for an order granting the Plaintiffs' request for Summary Judgment on the following grounds:

1.     The application of the best practices time limits in the special education administrative hearing is arbitrary and capricious and violates the Plaintiffs statutory right to a full and fair administrative hearing under the Act and is reversible error;
2.     The application of the best practices time limits in the special education administrative hearing is arbitrary and capricious and violates the Plaintiffs property interest without due process of law under the Fourteenth Amendment and is reversible error; and

3. The creation and implementation of the best practices time limits in the special education administrative hearing is a violation of the MDE and OAH Defendants' rulemaking requirements under the Minnesota Administrative Procedures Act and is reversible error.

**KANE EDUCATION LAW, LLC.**

Date: 15 January 2014

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